

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
DONNA WITTIG, ESQ.
Nevada Bar No. 11015
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
donna.wittig@akerman.com

*Attorneys for Plaintiff The Bank of New
York Mellon f/k/a The Bank of New York*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE HOLDERS OF THE
CERTIFICATES, FIRST HORIZON
MORTGAGE PASS-THROUGH
CERTIFICATES SERIES FHAMS 2006-AA5,
BY FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE BANK
NATIONAL ASSOCAITION, MASTER
SERVICER, IN ITS CAPACITY AS AGENT
FOR THE TRUSTEE UNDER THE POOLING
AND SERVICING AGREEMENT,

Plaintiff,

vs.

PARK AVENUE HOMEOWNERS'
ASSOCIATION AND RED ROCK FINANCIAL
SERVICES, LLC,

Defendants.

Case No.: 2:17-cv-02911-MMD-NJK

**STIPULATION AND ORDER FOR
DISMISSAL OF ALL CLAIMS WITH
PREJUDICE AND RELEASE OF NOTICE
OF LIS PENDENS**

Plaintiff The Bank of New York of New York Mellon f/k/a The Bank of New York, as
Trustee for the holders of the Certificates, First Horizon Mortgage Pass-Through Certificates Series
FHAMS 2006-AA5, by First Horizon Home Loans, a division of First Tennessee Bank National
Association, Master Servicer, in its capacity as agent for the Trustee under the Pooling and Servicing

1 Agreement (**BoNYM**) and defendants Park Avenue Homeowners' Association (**Park Avenue**) and
2 Red Rock Financial Services, LLC (**Red Rock**) hereby stipulate to dismiss all claims asserted by
3 plaintiff against defendants as follows:

4 1. This matter relates to real property located at 63 East Agate Avenue, #202, Las
5 Vegas, Nevada 89123 (the **property**).

6 2. BoNYM is the beneficiary of a deed of trust encumbering the property, which was
7 recorded on or about June 16, 2006 at document number 20060616-0005268 in the official records
8 of Clark County, Nevada (the **deed of trust**).

9 3. On or about July 23, 2012, Red Rock recorded a Foreclosure Deed at document
10 number 201207230001661 in the official records of Clark County, Nevada, reflecting that Park
11 Avenue purchased the property at the foreclosure sale on or about July 17, 2012 (the **HOA Sale**).

12 4. On November 20, 2017, BoNYM initiated a lawsuit against Park Avenue and Red
13 Rock in the United States District Court, District of Nevada, Case No. 2:17-cv-02911-MMD-NJK
14 (the **litigation**).

15 5. BoNYM, Park Avenue, and Red Rock have entered into a confidential settlement
16 agreement wherein they have settled all claims between them in the litigation.

17 6. The notice of lis pendens recorded on November 30, 2017, as Instrument No.
18 201711300002355 is hereby released.

19 7. This release of notice of lis pendens affects title of real property located at 63 East
20 Agate Avenue, #202, Las Vegas, Nevada 89123 with legal description of:

21 **PARCEL I:**

22 **An undivided Fractional Interest as a tenant in common in the**
23 **Common Elements as defined in Section 1.10 of the Declaration of**
24 **Covenants, Conditions, and Restrictions for PARK AVENUE**
25 **CONDOMINIUMS. A Common Interest Condominium Development**
26 **recorded in the Office of the County Recorder of Clark County,**
27 **Nevada on August 3, 2001 in Book 20010803 as Document No. 00962**
28 **as the same may from time to time be amended and/or supplemented,**
to which reference is hereafter made ("Declaration")

Excepting therefrom all Building Units and Association Property in
the project, as those terms are defined in Article I of the Declaration.

And Reserving Therefrom the right to possession of all those areas
designated as Limited Common Elements in Section 2.3 of the

1 Declaration and/or designated as such upon either the plat of
2 AMENDED PLAT OF A PORTION OF "PARK AVENUE
3 CONDOMINIUMS UNIT 2" as shown by map thereof on file in Book
4 106 of Plats, Page 98 in the Office of the County Recorder of Clark
5 County, Nevada, or the Plat of any other Phase of the PARK
6 AVENUE CONDOMINIUM PROJECT annexed to said project in
7 accordance with the Declaration.

8 And Further Reserving Therefrom for the benefit of the Owners of
9 the Condominiums (I.E. Building Units) in other Phases of the
10 Project, a non-exclusive easement of ingress, egress and recreational
11 use, on, over and under the Common Elements a defined in Section
12 1.10 in the Declaration, which easement is subject to the terms and
13 provisions of the Declaration.

14 **PARCEL II:**

15 Living Unit in Building of 'AMENDED PLAT OF A PORTION OF
16 "PARK AVENUE CONDOMINIUM UNIT 2" as shown by map
17 thereof on File in Book 106 of Plats, Page 98 in the Office of the
18 County Recorder of Clark County, Nevada.

19 **PARCEL III:**

20 A non-exclusive easement of ingress, egress and recreational use, on,
21 over, and under the Common Elements as defined in the Declaration,
22 which easement is subject to the terms and provisions of the
23 Declaration and appurtenant to Parcels I and II described above.

24 **PARCEL IV:**

25 The exclusive right, subject to the terms and provisions of the
26 Declaration to Parking Space No. P221, all of which are defined and
27 described as Limited Common Elements in Section 2.3 of the
28 Declaration and which are appurtenant to Parcels I and II described
above.

APN: 177-21-217-096.

8. Accordingly, BoNYM, Red Rock and Park Avenue agree and stipulate the case should be dismissed with prejudice and the notice of lis pendens should be released, with each party bearing its own costs and attorney fees.

IT IS SO STIPULATED.

Dated this the 20th day of July, 2018.

AKERMAN LLP

/s/ Donna M. Wittig
MELANIE D. MORGAN ESQ.
Nevada Bar No. 8215
DONNA M. WITTIG, ESQ.
Nevada Bar No. 11015
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134

*Attorneys for plaintiff The Bank of New York
Mellon f/k/a The Bank of New York*

KOCH & SCOW LLC

/s/ Steven Scow
DAVID R. KOCH, ESQ.
Nevada Bar No. 8830
STEVEN B. SCOW, ESQ.
Nevada Bar No. 9906
BRODY R. WIGHT, ESQ.
Nevada Bar No. 13615
11500 S. Eastern Avenue, Suite 210
Henderson, Nevada 89052

*Attorneys for defendant Red Rock Financial
Services, LLC*

MARQUIS AURBACH COFFING

/s/ Avece M. Hibee
AVECE M. HIGBEE, ESQ.
Nevada Bar No. 3739
CODY S. MOUNTEER, ESQ.
Nevada Bar No. 11220
JAMES ALLAN BECKSTROM, II, ESQ.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145

*Attorneys for defendant Park Avenue
Homeowners Association*

IT IS SO ORDERED.



DISTRICT COURT JUDGE

DATED: July 23, 2018